

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CROSS ATLANTIC CAPITAL PARTNERS, INC., CIVIL ACTION

Plaintiff,

**NO. 07-CV- 02768-JP**

V.

## **JURY TRIAL DEMANDED**

FACEBOOK, INC. and THEFACEBOOK, LLC,

## Defendants.

**DECLARATION OF HEIDI KEEFE IN SUPPORT OF DEFENDANTS**

## **OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL**

I, Heidi Keefe, hereby declare and state as follows:

1. I am an attorney at law and am one of the attorneys for defendant Facebook, Inc. and Thefacebook, LLC (collectively “Facebook”). The following is true, of my own personal knowledge, and, if sworn as a witness, I would testify competently thereto except as to those matters, which I state on information and belief, and as to those matters, I am informed and believe them to be true. I make this declaration in support of Facebook’s motion to compel .

2. In order to accommodate XACP's request, we prepared and set up a searchable database in our Palo Alto office. The database was available on November 21, 2007 as XACP requested.

3. XACP never inspected the database, and never responded to Facebook's letter informing them of its availability.

4. There was no further contact between the parties on the issues of Facebook's production until the filing of this motion.

5. Facebook supplemented Interrogatory Nos. 3, 5, 11 and 12 and made documents responsive to Document Requests Nos. 23 and 24 available for inspection on December 10.

6. During the initial case management conference held on September 26, 2007, XACP represented to the Court that it was able to prove its case by reference solely to the Facebook website.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 13, 2007, at Palo Alto, California.

Dated: December 13, 2007

/s/ Heidi L. Keefe  
**Heidi L. Keefe**